

## **ORDINANCE NO. 2189**

AN ORDINANCE ISSUING A CONDITIONAL USE PERMIT ON CERTAIN LANDS LOCATED IN THE CITY OF GARDNER, KANSAS, UNDER THE AUTHORITY GRANTED BY THE GARDNER, KANSAS, ZONING ORDINANCE; (CUP-06-02).

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS:

**SECTION ONE:** That having received a recommendation from the Planning Commission on January 23, 2006, and proper notice having been given and hearing held as provided by law and under the authority of and subject to the provisions of the Gardner, Kansas, Zoning Ordinance, a Conditional Use Permit is issued on lands legally described as follows:

### **CASE NO. CUP-06-02**

The operation of a Fitness Club in an M-1, Restrict Industry District, located at 265 N. Stone Creek Drive, subject to the following conditions:

- a. The approval of the CUP-06-02 shall expire in ten (10) years.
- b. The applicant shall obtain a building permit prior to making improvements.

Legal Description: A tract of land in the Southwest Quarter of Section 19, Township 14 South, Range 23 East of the 6<sup>th</sup> P.M. in the City of Gardner, Johnson County, Kansas, described as follows: Commencing at the Southwest Corner of said Southwest Quarter; Thence on Kansas North zone bearings, North 02°07'49" West, along the West line of said Southwest Quarter, a distance of 908.91 feet to the center of Lincoln Lane as now established; thence North 84°36'11" East, along the center of Lincoln Lane, a distance of 815.76 feet; thence North 05°23'49" West, 40.00 feet to the Southwest corner of proposed Lot 1 in proposed New Century Business Center Addition No. 1 and the point of beginning; thence continue North 05°23'49" West, along the West line of said proposed Lot 1, 209.56 feet; thence along a curve to the left, 173.20 feet, said curve has a radius of 330.00 feet and a chord bearing North 20°25'58" West, 171.22 feet; thence North 54°31'54" East, 125.47 feet; thence North 49°10'38" East, 106.44 feet to the North most corner of said proposed Lot 1; thence South 41°34'39" East, 211.67 feet; thence South 05°25'45" East, 328.62 feet to the Southeast corner of said proposed Lot 1; thence South 84°36'11" West, 276.02 feet to the point of beginning, containing 122,264 square feet or 2.8067 acres, more or less, and subject to any easements, covenants, and restrictions of record, if any, also subject to Lincoln Lane right-of-way, as now established.

**SECTION TWO:** That upon the taking effect of this Ordinance, the above conditional use permit shall be incorporated and shown on the Zoning District Map previously adopted by reference, and said Zoning District Map is hereby reincorporated as a part of the Zoning Ordinance as amended.

**SECTION THREE:** That this Ordinance shall take effect and be in force for five years from and after its adoption by the City Council and publication in the official City Newspaper.

**SECTION FOUR:** That this area lies within the Airport Interest Area, and pursuant to K.S.A. 3-307e, the rezoning must have the approval of the Board of County Commissioners of Johnson County, Kansas.

PASSED and APPROVED this 20<sup>th</sup> day of February, 2006.

---

Carol Lehman, Mayor

ATTEST:

---

Gwen Scott, City Clerk

(SEAL)